

1 Additionally, counsel might agree to waive any preliminary
2 investigation by the BOARD's agents, Kathy van Hook or Paul Melvin.
3 Such action might then permit the BOARD's secretary, Jennifer
4 Jacobson, to quickly transmit the UC petition to the Hearings
5 Bureau for a formal hearing, if that reflects the parties
6 intentions.

7 Therefore, in keeping with the above and what is understood to
8 be the wishes of the parties, jurisdiction will be retained over
9 the instant UNFAIR LABOR PRACTICE CHARGE NO. 19-96 pending formal
10 notification by counsel that the BOARD has accepted a petition for
11 UNIT CLARIFICATION related to certain worker(s)/positions in this
12 action. Jurisdiction will be retained for only ninety (90) days
13 or, not beyond November 19, 1996. At that time this **DISMISSAL**
14 automatically becomes a DISMISSAL WITH PREJUDICE, with no further
15 action necessary by the undersigned.

16 DATED this 16th day of August, 1996.

17 BOARD OF PERSONNEL APPEALS

18
19 By:

Stephen L. Wallace
Stephen L. Wallace
Hearing Officer

* * * * *

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copies of the foregoing documents were, this day served upon the following parties or such parties' attorneys of record by depositing the same in the U.S. Mail, postage prepaid, and addressed as follows:

Carter Picotte, Attorney
MPEA
1426 Cedar Street
Helena, MT 59601

Michael Dahlem
Attorney at Law
P.O. Box 1133
Helena, MT 59624

Robert Rust, Superintendent
Huntley Project School District No. 24
1477 Ash St.
Worden, MT 59088

DATED this 16th day of August, 1996.

Christina A. Roland

STATE OF MONTANA
DEPARTMENT OF LABOR AND INDUSTRY
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNFAIR LABOR PRACTICE CHARGE NO. 19-96:

MONTANA PUBLIC EMPLOYEES')	
ASSOCIATION,)	
)	
Complainant,)	
)	<u>MEMORANDUM OF RESOLUTION</u>
-vs-)	
)	
HUNTLEY PROJECT SCHOOL)	
DISTRICT NO. 24,)	
)	
Defendant.)	
* * * * *		

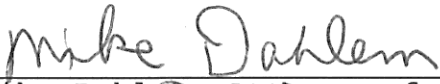
It is hereby stipulated by and between the parties above-named, by and through their respective counsel of record that the above-entitled matter may be and the same is hereby resolved as follows:

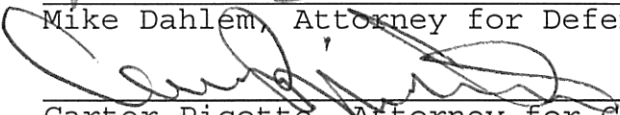
1) Defendant shall, within ten days of the date hereof, cause to be circulated to each and every member of the bargaining unit in question, a certain memorandum or letter, the language and content of which has been agreed by the parties previously.

2) With regard to any questions concerning the inclusion or exclusion of persons from the bargaining unit by the employer, the parties agree that, with the accession of an order by the hearing officer, this action should and shall be reassigned an appropriate title and cause number changing the said proceeding to a Unit Clarification proceeding. As soon as practicable, the parties shall be informed of the new cause number and title, and within sixty days thereafter, Complainant shall inform Defendant and the Board of the particular workers and positions concerning which Unit Clarification should proceed.

Wherefore, the parties have agreed, by and through their respective counsel of record, and by reason of the above stipulation, that this proceeding may and should be dismissed forthwith.

Dated this 15th day of August, 1996.


Mike Dahlem, Attorney for Defendant


Carter Picotte, Attorney for Complainant

ORDER

The Hearing Officer, having read the attached stipulation, and being otherwise fully advised in the premises, and good cause appearing therefore, makes and enters the following order:

1) The present proceeding shall be appropriately redesignated and retitled as a Unit Clarification, and the Complainant shall, within sixty days after notification of the new title and cause number of the proceeding, serve upon the Board and the Defendant, a designation of the persons and positions concerning which the Complainant wishes Clarification.

2) The Defendant shall, within ten days of the date hereof, cause to be circulated as above stipulated, the letter or memorandum above described.

3) Upon completion of the acts and requirements set forth in the last two preceding numbered paragraphs hereof, the present matter, insofar as it constitutes a Unfair Labor Practice proceeding, shall be and the same is hereby dismissed, and this

order shall, upon performance of the terms and conditions of the stipulation attached hereto, take effect without the necessity for the process by either of the parties hereto.

Dated this ____ day of August, 1996.

Stephen Wallace, Hearing Officer